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U E424 AAE
COURT-FEER

KUALA LUMPUR, OCT 1 (BERNAMA) -- THE PROPRIETOR AND PUBLISHER OF THE FAR EASTERN ECONOMIC REVIEW (FEER) AND THE MAGAZINE'S EDITOR HAVE FILED THEIR DEFENCE AGAINST A LIBEL SUIT BY DATUK SERI DR MAHATHIR MOHAMAD DENYING THAT AN ARTICLE ON THE SALE OF LIMBANG TO BRUNEI DARUSSALAM WAS MEANT TO DEFAME THE PRIME MINISTER.

THE FAR EASTERN ECONOMIC REVIEW LTD, HONG KONG, AND EDITOR DEREK DAVIES SAID IN THEIR DEFENCE FILED AT THE HIGH COURT HERE TODAY THAT DATUK SERI DR MAHATHIR HAD AUTHORISED AND/OR ACQUIESCED IN OR CAUSED THE PUBLICATION OF THE ARTICLE.

IN SUPPORTING THIS ARGUMENT, THEY SAID THE PUBLICATION OF THE MAGAZINE WAS DELAYED BY THE HOME MINISTRY UNDER THE PRINTING PRESSES AND PUBLICATIONS ACT, 1984, FOR SIX DAYS.

IT WAS THEN RELEASED FOR PUBLICATION IN THE COUNTRY, WITHOUT ANY OBLITERATION, DELETION, ERASURE OF ANY PART OF THE WORDS BEING MADE BY THE MINISTRY, THEY SAID.

ACCORDINGLY, THEY SAID, THE PUBLICATION OF THE ALLEGED DEFAMATORY WORDS IN THE MAGAZINE'S MAY 21 ISSUE WAS EXPRESSLY OR IMPLIEDLY AUTHORISED BY THE HOME MINISTRY.

DATUK SERI DR MAHATHIR, AS HEAD OF THE MINISTRY AND HEAD OF THE GOVERNMENT, AUTHORISED AND/OR EXPRESSLY OR IMPLIEDLY ACQUIESCED IN THE ACT OF THE MINISTRY RELEASING THE MAGAZINE FOR PUBLICATION CONTAINING THE ALLEGED DEFAMATORY WORDS, THEY CLAIMED. -- MORE
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COURT-FEER 2 KUALA LUMPUR

IN HIS SUIT, DATUK SERI DR MAHATHIR SAID THAT THE WORDS IN THE ARTICLE CONCERNING HIM IN THE WAY OF HIS OFFICE AS PRIME MINISTER IN THEIR ORDINARY MEANING WERE UNDERSTOOD TO MEAN THAT HE WAS ENGAGED IN AN UNCONSTITUTIONAL AND SURREPTITIOUS ATTEMPT TO SELL TO BRUNEI A PART OF THE TERRITORY OF SARAWAK WHICH IS A COMPONENT OF MALAYSIA.

HE SAID THE ARTICLE MEANT THAT IN ORDER TO ACHIEVE THIS END HE WAS A PARTY TO A DECISION TO LIE ABOUT THE PURPOSE OF HIS VISIT TO BRUNEI IN MARCH AND THAT HE WAS UNFIT TO ACT AS THE MALAYSIAN PRIME MINISTER.

DATUK SERI DR MAHATHIR SAID THAT BECAUSE OF THE PUBLICATION OF THE SAID WORDS HE HAD BEEN DAMAGED IN HIS CHARACTER AS PRIME MINISTER AND HAD BEEN BROUGHT INTO PUBLIC SCANDAL, ODIUM AND CONTEMPT.

HE SAID THAT THROUGH A LETTER DATED MAY 26, ATTORNEY-GENERAL TAN SRI ABU TALIB OTHMAN, ON HIS BEHALF, HAD WRITTEN TO ENCIK DAVIES, WITH A PROPOSAL TO PUBLISH A FULL AND COMPLETE APOLOGY.

DESPITE THE LETTER, THE TWO DEFENDANTS FAILED AND REFUSED TO APOLOGISE BUT ON THE CONTRARY, UNDER THE HEADLINES +RETRACTION AND APOLOGY+, CAUSED TO BE PRINTED AND PUBLISHED WORDS WHICH, AMONG OTHER THINGS, MEANT THAT HE WAS UNFIT TO ACT AS PRIME MINISTER. -- MORE

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THE TWO DEFENDANTS CLAIMED THAT IF THE WORDS WERE DEFAMATORY, THEY WERE PUBLISHED UPON AN OCCASION OF QUALIFIED PRIVILEGE, CONTENDING, AMONG OTHER THINGS, THAT DATUK SERI DR MAHATHIR WHO REPRESENTED THE CABINET AND THE GOVERNMENT WAS A PUBLIC FIGURE KNOWN THROUGHOUT MALAYSIA, NEIGHBOURING COUNTRIES AND THE WORLD.

THEY SAID EVENTS CONCERNING HIM AS A PUBLIC FIGURE IN HIS OFFICE OF POWER AND RESPONSIBILITY AS PRIME MINISTER WERE MATTERS OF UNDENIABLE PUBLIC INTEREST AND CONCERN TO CITIZENS LIVING IN MALAYSIA AND NEIGHBOURING COUNTRIES.

ACCORDING TO THE TWO DEFENDANTS, THE ARTICLE WAS PUBLISHED FOLLOWING INFORMATION RECEIVED FROM SOURCES WHICH HAD IN THE PAST PROVEN TO BE WELL-INFORMED AND RELIABLE, ADDING THAT THEY WOULD ALSO DEPEND ON ARTICLE 10 OF THE FEDERAL CONSTITUTION WHICH GUARANTEES FREEDOM OF SPEECH.

THE TWO ALSO DENIED THAT THEY HAD FAILED AND REFUSED TO APOLOGISE, SAYING THAT THEY HAD DONE SO UNDER THE HEADING +RETRACTION AND APOLOGY+ PUBLISHED IN THE MAGAZINE ON JUNE 4.

THEY DENIED THAT THE WORDS UNDER THIS HEADING WAS DEFAMATORY, ADDING THAT THEY WERE FAIR COMMENT ON A MATTER OF PUBLIC INTEREST -- THE CONDUCT OF DATUK SERI DR MAHATHIR IN DISCHARGING HIS DUTIES AS PRIME MINISTER. -- BERNAMA
1826MST 01 10 87